**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of   Docket No: A8063

Timothy A. BEST, et al.

Appln. No.: 09/747,063   Group Art Unit: 2173

Confirmation No.: 1655   Examiner: Namitha PILLAI

Filed: December 22, 2000

For: WEBTOP: MULTIPLE APPLET DELIVERY WITHIN A FIXED-SIZED VIEWING
        SPACE

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. § 41.37, Appellant submits the following:

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I.   REAL PARTY IN INTEREST

The real party in interest is INTERNATIONAL BUSINESS MACHINES

CORPORATION, by virtue of an assignment recorded by the Assignment Branch of the U.S.

Patent and Trademark Office on April 19, 2001, at Reel 011726, Frame 0926.

II.   RELATED APPEALS AND INTERFERENCES

To the knowledge and belief of Appellant, the Assignee, and the undersigned, there are

no other appeals or interferences before the Board of Appeals and Interferences that will directly

affect or be affected by the Board's decision in the instant Appeal.

III.   STATUS OF CLAIMS

Claims 1-42, 46-48, 51, 52, and 54-60 are all the claims pending in the application.

Claims 43-45, 49, 50, and 53 have been previously canceled.

Claims 52 and 57-60 are rejected under 35 U.S.C. § 112, first paragraph. Claims 1-42,

46-48, 51, 52, and 54-60 are rejected under 35 U.S.C. § 103(a). These rejections of claims 1-42,

46-48, 51, 52, and 54-60 are being appealed.

IV.   STATUS OF AMENDMENTS

With the filing of this Brief, all Amendments have been entered and considered by the Examiner.

The Appendix included with this Brief sets forth the claims involved in the appeal and reflects all of the claim amendments that have been entered by the Examiner.

V.   SUMMARY OF THE CLAIMED SUBJECT MATTER

In general, Appellant's invention relates to providing multiple applet delivery within a

fixed-size viewing space. As is known, each application is windowed into the operating system

shells. That is, for each application, an independent frame is provided allowing the fixed-size

space of a computer terminal to display multiple applications running concurrently (*see* page 1,

line 17 to page 2, line 2 of the specification).

With the development of internet, a web browser and HTML files creating web pages,

Java applets became commonly used. Applets are small programs which can be "embedded"

into Web pages. That is, applets are programs that are designed to be executed from within other

applications. These programs can range from applets which are used for clever display

techniques to applets which interact with the human user. Browsers that are equipped with Java

virtual machines can interpret applets from Web servers. In conventional techniques, however,

two applets cannot occupy the same space on a webpage; they cannot be repositioned,

minimized, maximized, overlapped, or resized. In other words, only one applet per fixed-sized

viewing space may be provided (*see* page 2, line 20 to page 3, line 16 of the specification).

In an attempt to solve this problem, conventional techniques provide HTML frames,

IFRAMES, and/or new browser windows. However, these conventional techniques do not

address the problem of a fixed-sized viewing space. These windows are not contained within a

space defined by a web page. Accordingly, there is a need in the art for an improved technique

for enabling multiple applets to occupy the same space on a webpage (*see* page 3, line 17 to page

4, line 24 of the specification).

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In an exemplary embodiment of the present invention, multiple applets are delivered and manipulated within a fixed-sized viewing space (*see* page 4, line 26 to page 5, line 5). The types of manipulation include, but are not limited to, minimizing, maximizing, resizing, repositioning, re-ordering, tiling, and cascading the multiple applets. A webtop applet that hosts other (e.g., a user's) applets is also provided. The "flash of inspiration" is the use of a Java class for a purpose other than it's intended purpose. Technically, JApplets contain JinternalFrames where each JinternalFrame contains a JApplet--almost recursive in nature. The original purpose of the JinternalFrame was to allow JApplets to have a multiple-document interface (known as "MDI") in which one applet would have multiple documents visible. An analogy would be Microsoft Word having multiple text files on the screen simultaneously. JinternalFrames were not intended to have multiple-applets visible at least because of lack of native support for such operations such as missing init( ) calls for JApplets within a JInternalFrame. One aspect of the invention is the extrapolation from a JinternalFrame holding a "document" to a JInternalFrame holding a JApplet. Accordingly, a windowing desktop within a browser, a "WebTop" applet, is created (*see* Figs. 5 and 6; page 7, lines 11 to 15; page 9, lines 1 to 18; page 12, line 10 to page 14, line 3 of the specification).

A.   *Independent claim 1*

Specifically, independent claim 1 is directed to a method of executing applets. The method comprises receiving a user selection of a plurality of applets; generating separate windows within a main applet for each selected applet; displaying the main applet; and the main applet executing each selected applet in a separate window (*see* Fig. 2; page 10, line 13 to page

11, line 9 of the specification). Each selected applet is displayed in the separate window inside

the displayed main applet (Figs. 4 and 5; page 11, line 15 to page 12, line 18 of the

specification).

B.   Dependent claim 11

Dependent claim 11 further recites: "loading the main applet into a Java application,

wherein the main applet is a webtop applet" (*see* Fig. 3; page 9, lines 13 to 18 of the

specification).

C.   Dependent claim 12

Dependent claim 12 further recites: "executing the main applet to display, within the

displayed main applet, a list of available applets from which users can select applets" (*see* Fig. 2;

page 10, line 20 to page 11, line 9 of the specification).

D.   Dependent claim 13

Dependent claim 13 further recites: "generating a JInternal frame window for each

selected applet" (*see* Fig. 2; page 10, line 20 to page 11, line 9 of the specification).

E.   Independent claim 15

Specifically, independent claim 15 is directed to an apparatus for executing applets (*see*

Fig. 1; page 6, line 2 to page 7, line 9 of the specification). The apparatus includes a client

computer having a data store coupled thereto, wherein the data store stores data; a server

computer having the data store coupled thereto, and is connected to the client computer via a

network; and one or more computer programs, performed by the computers (*see* Fig. 1; page 6,

line 2 to page 7, line 9 of the specification). The computer program for receiving user selection

of a plurality of applets; generating separate windows within a main applet for each selected

applet; displaying the main applet; and the main applet executing each selected applet in a

separate window (*see* Fig. 2; page 10, line 13 to page 11, line 9 of the specification). Each

selected applet is displayed in the separate window inside the displayed main applet (Figs. 4 and

5; page 11, line 15 to page 12, line 18 of the specification).

F.   Independent claim 29

Specifically, independent claim 29 is directed to an article of manufacture comprising a

program storage medium readable by a computer and embodying one or more instructions

executable by the computer for executing applets (*see* Fig. 1; page 6, line 2 to page 7, line 9 of

the specification). The instructions comprise receiving user selection of a plurality of applets;

generating separate windows within a main applet for each selected applet; displaying the main

applet; and the main applet executing each selected applet in a separate window (*see* Fig. 2; page

10, line 13 to page 11, line 9 of the specification). Each selected applet is displayed in the

separate window inside the displayed main applet (Figs. 4 and 5; page 11, line 15 to page 12, line

18 of the specification).

G.   Independent claim 46

Independent claim 46 is directed to a method of executing applets. The method

comprising executing a main applet in which a list of applets is displayed; selecting from the list

displayed in the main applet at least two applets; generating a separate window within the

displayed main applet for each selected applet; and the main applet executing and displaying

each of the selected applets in the separate window inside the displayed main applet (*see* Figs. 2-5; page 10, line 13 to page 13, line 18 of the specification).

H.   Dependent claim 52

Dependent claim 52 recites: "said plurality of applets are independent of each other and at least two of said plurality of applets do not inherit functions from same base class" (*see* Figs. 2-5; page 7, line 11 to page 8, line 26; page 10, line 17 to page 12, line 9 of the specification).

I.   Dependent claim 54

Dependent claim 54 recites: "the receiving comprises receiving at substantially the same time the user selection of the plurality of applets" (*see* Figs. 2-5; page 7, line 11 to page 8, line 26; page 10, line 17 to lines 25 of the specification).

J.   Independent claim 57

Independent claim 57 is directed to a method of executing applets. The method comprising: loading and displaying a main applet; dynamically selecting a plurality of applets from a displayed list of the plurality of available applets that are displayed in the displayed main applet, where the plurality of applets displayed in the list are not yet loaded for execution; sending to a server at substantially same time, the selection comprising the plurality of applets; loading the dynamically selected plurality of applets into the displayed main applet; generating separate windows for each loaded applet; and displaying and executing each loaded applet in a separate window within the displayed main applet (*see* Fig. 2-5; page 10, line 13 to page 12, line 18 of the specification).

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K.   Dependent claim 60

Dependent claim 60 recites: "dynamically loading and removing applets from the main applet, wherein at least two applets of said applets are obtained from different computers and are displayed in a respective window inside the displayed main applet at same time" (*see* Figs 1 and 6; page 6, line 2 to 28 and page 13, line 19 to page 14, line 3 of the specification).

VI.   GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

There are four issues on Appeal.

The first issue is whether claims 52 and 57-60 are improperly finally rejected under 35 U.S.C. § 112, first paragraph.

The second issue is whether claims 1-4, 9-12, 14-18, 23-26, 28-32, 37-40, 42, 46-48, 51-52, 54-58, and 60 are improperly finally rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 98/43170 to Banthia (hereinafter "Banthia").

The third issue is whether claims 5-8, 19-22, 33-36, and 59 are improperly finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Banthia and U.S. Patent No. 5,561,757 to Southgate (hereinafter "Southgate").

The fourth issue is whether claims 13, 27, and 41 are improperly finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Banthia and "The Swing Tool Set" article (hereinafter "STS").

VII.   ARGUMENT

Appellant respectfully requests the Board to reverse the final rejections of the claims

pending in the application for at least the following reasons.

Issue 1: Claim Rejections under 35 U.S.C. § 112

Claims 52 and 57-60 are rejected under 35 U.S.C. § 112, first paragraph. Claims 58-60

are rejected for being dependent on a rejected base claim 57. Appellant respectfully requests the

Board to reverse these grounds of rejection at least in view of the following comments.

A.   Claim 52

With respect to claim 52, the Examiner maintains that the specification does not disclose

or suggest "at least two of said plurality of applets do not inherit functions from same base class"

(*see* page 2 and 11 of Final Office Action mailed February 9, 2007, hereinafter "Office Action"

and Continuation Sheet of the Advisory Action). It is respectfully noted that the specification

provides ample support for the above-noted features of claim 52.

For example, the specification discloses that the invention works in conjunction with the

IBM Enterprise Information Portal. "The intent is to bring together various applets to be used on

what are called a "Portal" web pages (Fig. 6, page 6, line 19 to page 7, line 3 of the

specification). That is, in an exemplary, non-limiting embodiment, various independent applets

can be loaded and displayed within the main applet. One of ordinary skill in the art would

readily understand that when one applet is independent from another, it does not inherit functions

of the same base class. Otherwise, the applets are considered dependent.

For example, the specification discloses encoding applet "sevenAMNewsTicker.class" and encoding applet "MyApplet.class" to be embedded in a web page (*see* page 7, line 20 to page 8, line 26 of the specification). Clearly, these exemplary applets are independent and do not inherit features from the same base class. Moreover, an exemplary embodiment of the present invention further discloses applets "Did You Know?" "Corporate News" and "Business Intelligence" (*see* page 11, line 15 to page 12, line 9 of the specification) These applets, as their names suggest, are independent applets that belong to different base classes.

Appellant further respectfully submits that the disclosure that various independent applets can be loaded would apprise a person having ordinary skill in the art of the significant likelihood that at least two of the independent applets do not inherit functions from the same base class. For example, a loan calculator applet and a word processor applet could be included among the independent applets. The loan calculator applet could inherit functions from a calculator base class. The word processor applet could inherit functions from a text rendering base class. In this example, the loan calculator applet and the word processor applet do not inherit functions from the same base class. A person having ordinary skill in the art would understand that as the similarity in function between two applets decreases, the likelihood of the two applets inheriting functions from the same base class decreases as well.

Thus, with the knowledge that "various independent applets can be loaded," a person having ordinary skill in the art in light of the specification would understand that applets with widely diverging functions can be loaded, and the more divergent the functions between two applets, the less likely the applets are to inherit functions from the same base class. Thus,

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because various independent applets can be loaded, one of ordinary skill in the art would readily understand in light of the specification that "at least two of the plurality of applets do not inherit functions from the same base class."

Accordingly, Appellant respectfully submits that "at least two of the plurality of applets do not inherit functions from the same base class" is adequately described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Appellant respectfully requests the Board to reverse this rejection of claim 52 under 35 U.S.C. § 112, first paragraph.

B.   *Claim 57*

With respect to claim 57, the Examiner finds Appellant's argument that the specification does properly convey, "the plurality of applets are not yet loaded for execution," to be unpersuasive. That is, the Examiner disregards the portions of the specification that disclose loading of the applets and simply allege that the specification only relates to the display of applets (*see* pages 11 and 12 of the Office Action and Continuation of the Advisory Action). Appellant respectfully maintains that this subject matter is described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. In support of this assertion, Appellant respectfully points to a different part of the specification as further support for Appellant's assertion that this subject matter is described in the specification.

Specifically, Appellant points to page 5, lines 3-5 of the specification, which discloses: "According to an embodiment of the invention, one or more applets selected by a user are

received. Separate windows for each selected applet are generated. Then, each applet is executed in a separate window." The specification thus explicitly discloses that "one or more applets selected by a user are received." Receiving an applet would be understood by a person having ordinary skill in the art to mean receiving the computer code for the program steps to be performed by the applet. Receiving computer code for the program steps to be performed by the applet would be understood by a person having ordinary skill in the art to be loading the applet. Thus, because the specification explicitly discloses "one or more applets selected by a user are received (loaded)," it is implicit that the one or more applets selected by the user that are received (loaded) are *not* loaded until *after* the one or more applets are selected by the user. There is no teaching or motivation for *re*-loading an applet that has already been loaded, so a person having ordinary skill in the art would necessarily understand the disclosure that "one or more applets selected by a user are received" to mean that that "the plurality of applets are not yet loaded for execution" preceding the selection of the plurality of applets.

It is further noted that an exemplary embodiment of the present invention discloses generating a list of available applets in block 210. Thereafter, the WebTop applet displays the list of available applets, in block 230. The user then selects one or more applets in block 240 and in block 260, the selected applets are executed (Fig. 2, page 10, line 17 to page 11, line 9 of the specification). In other words, the plurality of available applets are displayed. Once the applet is selected, it is loaded for execution *e.g.*, Fig. 3. In other words, the specification provides ample support for displaying a list of available applets and selecting applets for loading and execution.

Appellant thus respectfully asserts that "the plurality of applets are not yet loaded for execution" is adequately described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Appellant respectfully requests the Board to reverse the rejection of claim 57 and its dependent claims 58-60 under 35 U.S.C. § 112, first paragraph.

Issue 2: Rejection in view of Banthia

Claims 1-4, 9-12, 14-18, 23-26, 28-32, 37-40, 42, 46-48, 51-58, and 60 are rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 98/43170 to Banthia (hereinafter "Banthia"). Appellant respectfully requests the Board to reverse these grounds of rejection at least in view of the following comments.

A. Legal Standard

The initial burden of establishing that a claimed invention is *prima facie* obvious rests on the USPTO. *In re Rickkaert*, 9 F.3d 1531, 1532 (Fed. Cir. 1993). To make its *prima facie* case of obviousness, the USPTO must satisfy three requirements:

a) The prior art relied upon, coupled with the knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated to artisan to modify a reference or to combine references. *In re Thrif*, 298 F.3d 1357, 1363 (Fed. Cir. 2002); *KSR Int'l. Co. v. Teleflex Inc.,* No. 04-1350 (April 2007).

b) The proposed modification of the prior art must have had a reasonable expectation of success, and that determined from the vantage point of the artisan at the time the

invention was made. *Amgen, Inc. v. Chugai Pharm. Co.*, 927 F.2d 1200, 1209 (Fed.

Cir. 1991).

c) The prior art reference or combination of references must teach or suggest all the

limitations of the claims. *In re Vaeck*, 20 U.S.P.Q.2d 1438, 1442 (Fed. Cir. 1991); *In*

re Wilson, 424 F.2d 1382, 1385 (CCPA 1970).

B. **Claimed Invention**

Claims 1, 15, 29, 46, and 57 are the only independent claims. Claims 1, 15, and 29 each

contain the feature of "wherein each selected applet is displayed in the separate window inside

the displayed main applet." Claim 46 contains the feature of "the main applet executing and

displaying each of the selected applets in the separate window inside the displayed main applet."

Claim 57 contains the limitation, "displaying and executing each loaded applet in a separate

window within the displayed main applet."

Each of the aforementioned limitations thus discloses that each selected applet is

displayed in the separate window *inside the displayed main applet* or discloses the displaying of

each selected (or loaded) applet in the separate window *inside the displayed main applet*. Thus,

the claims explicitly disclose the feature that each selected applet is displayed *inside the main*

applet.

For example, in an illustrative, non-limiting embodiment, a WebTop is a dynamic

environment in which any applet can run (*see* page 7, lines 10 to 15 and page 10, lines 13 to 28

of the specification). The WebTop is a main applet that allows other applets to run inside of it.

Each applet added to the WebTop, from various servers or other machines, runs inside its own

window that can be moved, resized, minimized or closed. The WebTop has a menu of applets that are available to run and the ability to scan other web pages and add any found applets to the repository of available applets, (*see* page 11, line 15 to page 13, line 18 of the specification).

C.   *Prior Art Reference*

Banthia, on the other hand, relates to improving communication between applets by optimizing the number of connections to the server (*see* Abstract). Specifically, Banthia discloses that a client is connected to a particular Web server (page 5, lines 19 to 22) and a controlling applet provides data to a set of display applets (page 5, lines 23 to 25). In Banthia, the controlling applet is a hidden applet, which is not displayed (page 5, lines 33 to 35). The controlling applet in Banthia has the height and width parameter of zero (page 8, lines 23 to 24). The controlling applet is an active applet, which establishes a connection to the server to communicate data to the display applets. The set of display applets are passive applets, which do not establish a connection to the server. Even though the passive applets do not have a connection to the server, their information is continually updated by the controlling applet (page 6, lines 2 to 9). In Banthia, the display applets are displayed within a single browser window (page 8, lines 19 to 21).

D.   *Examiner's Position*

The Examiner concedes that Banthia does not disclose displaying the controlling applet (alleged main applet). The Examiner, however, contends that one of ordinary skill in the art *could* change the parameters to display the control applet (alleged main applet) (*see* pages 3 to 4 of the Office Action).

E. Appellant's Position

It is Appellant's position that the USPTO failed to satisfy the first and third requirements in establishing a *prima facie* case of obvious.

To begin, there is **no reason** for modifying the disclosure of Banthia so as to display the controlling applet. The Examiner has not set forth ***any*** motivation or reason for modifying Banthia so as to display the control applet (*see e.g.* page 12 of the Office Action and Continuation Sheet of the Advisory Action). In fact, **the controlling applet is a communication applet** *i.e.*, a bridge between the displayed applets and the server (*see* Abstract). In other words, the active controlling applet provides data to the displayed applet (page 5, lines 1 to 33 of the specification) and is not something that one of ordinary skill in the art would display. If the controlling applet is displayed, one of ordinary skill in the art would not need the display applets for displaying the data provided by the controlling applet.

In other words, in Banthia, there is no teaching or suggestion regarding displaying the separate applet windows inside of a main applet or any other applet. Banthia, in fact, **teaches away** from displaying the separate applet windows within a main applet or any other applet because Banthia provides an alternate method of organizing the display of the separate applet windows by providing a method for "tearing off" a separate applet window from the main browser window and displaying the torn off applet in a separate browser window, allowing a user to reposition the torn off browser windows in order to resize or reposition the separate applet windows (page 4, lines 3-17). One of ordinary skill in the art would not have and could not have been motivated to display the controlling applet.

As acknowledged by the Examiner, Banthia does not disclose displaying selected applets within the main applet. The Examiner, however, alleges that one of ordinary skill in the art *could* **change the parameters to display the controlling applet** (alleged main applet). However, as indicated in the MPEP § 2143.01.III, "the mere fact that references **can** be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990)." That is, the fact that allegedly the height and width parameters of the controlling applet may be changed from zero does not render the claimed invention obvious over Banthia. In fact, as noted above, Banthia clearly *teaches away* from displaying the controlling applet (*i.e.*, **control applet is hidden**, the display size is zero and etc). Appellant respectfully submits that the controlling applet of Banthia is a hidden applet that establishes a connection to the server (page 5, lines 33 to 35). Appellant respectfully submits that one of ordinary skill in the art would not have been motivated to display this applet.

Accordingly, it is Appellant's position that the USPTO did not meet the first requirement in establishing a *prima facie* case of obviousness.

Furthermore, the USPTO did not meet the third requirement in establishing a *prima facie* case of obviousness. That is, Banthia does not disclose or suggest "each selected applet is displayed in the separate window inside the displayed main applet." That is, even assuming *arguendo* that the controlling applet of Banthia is displayed, Banthia **does not even remotely suggest displaying the display applets within the displayed control applet**.

The independent claims explicitly disclose the feature that each selected applet is displayed *inside the main applet*. Displaying each selected applet inside the same browser window but ***outside*** the main applet or displaying each selected applet inside a separate browser window is not "displaying each of the selected applets in the separate window *inside the displayed main applet*." Indeed, not only does Banthia fail to teach or suggest displaying each of the selected applets *inside the displayed main applet*, Banthia fails even to teach or suggest displaying each of the selected applets **inside *any* other applet**. In other words, in Banthia, there is no disclosure or suggestion of ***displaying an applet within applet***. Instead, each of the selected applets is displayed inside the same browser window, ***yet not inside any other applet***, or is displayed inside separate browser windows "torn off" from the main window (page 8, lines 19-38).

Furthermore, while Banthia does disclose a controlling applet, it is implicit in Banthia's disclosure that the display applets are ***not*** displayed inside the controlling applet. This implication is necessary because the controlling applet has height and width parameters of zero, but the display applets are visible to the user. Banthia discloses that a user can click on the "window" icon at the upper left corner of each display applet (page 8, lines 25-27), indicating that the display applets must be visible to the user; furthermore, the display applets have a height parameter of 220 and a width parameter of 200 (page 8, lines 21-23). Display applets that are visible to the user and that have a height parameter of 220 and a width parameter of 200 could not be displayed inside a controlling applet window that has height and width parameters of zero (page 8, lines 23-24). Thus, it is implicit in Banthia's disclosure that **the display applets are *not***

displayed inside the controlling applet. In short, Banthia does not disclose or suggest **each**

selected applet being displayed in the separate window *inside* the displayed main applet.

F.   Concluding Remarks

For at least these exemplary reasons, independent claims 1, 15, 29, 46, and 57 are

patentable over Banthia. Accordingly, Appellant respectfully requests the Board to reverse this

rejection of independent claims 1, 15, 29, 46, and 57, and the other rejected claims which depend

therefrom.

G.   Additional Arguments for Independent Claim 57

Furthermore, independent claim 57 recites: "dynamically selecting a plurality of applets

from a displayed list of the plurality of available applets that are displayed in the displayed main

applet, where the plurality of applets displayed in the list are not yet loaded for execution." The

Examiner alleges that the six applets displayed in a browser window as depicted in Fig. 5 of

Banthia meet the unique features quoted above because each applet is executed and displayed

together with its name and because new data is provided to the applets prior to reloading (*see*

pages 8 and 12-13 of the Office Action).

Appellant respectfully submits, however, that Banthia fails to disclose or suggest

displaying a list of the unloaded available applets *i.e.*, a list of available applets prior to the

applets being loaded. That is, Banthia only discloses providing the name of the applet during its

execution (Fig. 5). Although Banthia discloses updating the executed applet with new

information (page 7, lines 7 to 10), the applets are clearly loaded, displayed, and are being

executed. In other words, Banthia does not disclose or suggest providing a list of available

applets <u>not yet loaded or executed</u>. For at least this additional exemplary reason, independent

claim 57 is patentable over Banthia.

H. Additional Arguments for Dependent Claims

Dependent claim 11 recites: "loading the main applet into a Java application, wherein the

main applet is a webtop applet." The Examiner contends that page 2, lines 30 to 36 of Banthia

disclose the unique features of claim 11 (*see* page 4 of the Office Action). Page 2, lines 30 to 36

of Banthia relate to a Java virtual machine and <u>not the controlling applet (alleged main applet)</u>.

In fact, in Banthia, there is no disclosure or suggestion of the controlling applet being a <u>webtop</u>

<u>applet</u>. For at least these additional exemplary reasons, claim 11 is patentable over Banthia.

Dependent claim 12 further recites: "executing the main applet to display, within the

displayed main applet, a list of available applets from which users can select applets." The

Examiner contends that Fig. 5 and page 5, lines 23 to 32 of Banthia disclose these unique

features of claim 12 (*see* pages 4 and 13 of the Office Action). Appellant respectfully submits,

however, that the portion of Banthia cited by the Examiner only discloses inheritance and

providing data to the displayed applets via the controlling applet. In other words, in the cited

portion of Banthia, as well as in other portions of Banthia reference, there is no disclosure or

even remote suggestion of having a list of available applets being displayed within the main

applet from which users can select applets. For at least these additional exemplary reasons,

claim 12 is patentable over Banthia.

Dependent claim 52 recites: "said plurality of applets are independent of each other and

at least two of said plurality of applets do not inherit functions from same base class." The

Examiner alleges that Banthia discloses that each applet inherits from a different base class (*see* pages 7 and 13 of the Office Action). Clearly, Fig. 3 of Banthia does not suggest that each applet inherits from a different base class. Banthia only discloses that the <u>display applets inherit from the same base class</u> (*see* page 7, lines 24 to 34 of Banthia). Furthermore, in Banthia, <u>same model is displayed in multiple views</u> (applets) *i.e.*, one applet is provided for each view (Fig. 5). That is, in Banthia, the displayed applets are <u>interdependent</u>. The displayed applets <u>all depend from the same base class</u> *i.e.*, inherit features of the same base class (Fig. 3; page 7, lines 24 to 34 of Banthia). In short, Banthia fails to suggest displaying ***any type*** of applets *i.e.*, applets that do not inherit functions from the same base class. For at least this additional exemplary reason, claim 52 is patentable over Banthia.

Dependent claim 54 recites: "wherein the receiving comprises receiving at substantially the same time the user selection of the plurality of applets." The Examiner contends that page 8, lines 25 to 35 of Banthia disclose the unique features of claim 54 (*see* page 7 of the Office Action). Page 8, lines 25 to 35 of Banthia disclose moving an applet or tearing off an applet and <u>not receiving user selection of plurality of applets at substantially same time</u>. For at least this additional exemplary reason, claim 54 is patentable over Banthia.

Dependent claim 60 recites: "at least two applets of said applets are obtained from different computers and are displayed in a respective window inside the displayed main applet at same time." The Examiner alleges that since applets are accessed from a server by client computer, this allegedly discloses the applets being from different computers (*see* page 9 of the Office Action).

In Banthia, all applets are displayed and the communication with the server is optimized by having <u>one communication applet (the controlling applet) handling the communication for all these applets</u> (page 6 of Banthia). In other words, all applets being displayed are handled <u>via one communication threat</u> and accordingly, is obtained <u>from same place</u> (page 7, lines 7 to 18 of Banthia). In Banthia, there is no suggestion that the applets are obtained <u>from different computers</u>. For at least this additional exemplary reason, claim 60 is patentable over Banthia.

Issue 3: Rejection in view of Banthia and Southgate

Claims 5-8, 19-22, 33-36, and 59 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Banthia in view of U.S. Patent No. 5,561,757 to Southgate (hereinafter "Southgate"). Appellant respectfully requests the Board to reverse these grounds of rejection at least in view of the following comments.

It is respectfully submitted that Southgate reference fails to cure the deficiencies of Banthia discussed above for claims 1, 15, 29, and 57, and accordingly, claims 5-8, 19-22, 33-36, and 59 are patentable over the asserted combination of Banthia and Southgate at least by virtue of their dependency from the independent claims discussed above.

Issue 4: Rejection in view of Banthia and STS

Claims 13, 27, and 41 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Banthia and "The Swing Tool Set" article (hereinafter "STS"). Appellant respectfully requests the Board to reverse these grounds of rejection at least in view of the following comments.

It is respectfully submitted that the STS reference fails to cure the deficiencies of Banthia discussed above for claims 1, 15, and 29, and accordingly, claims 13, 27, and 41 are patentable

over the asserted combination of Banthia and the STS reference at least by virtue of their

dependency from the independent claims discussed above.

In addition, it is respectfully submitted that one of ordinary skill in the art would not have

and could not have combined Banthia with STS. The Examiner contends (*see* pages 10-11 and

13 of the Office Action):

> Referring to claims 13, 27 and 41, Banthia does not disclose using a JInternal
> frame window to represent the applet windows. "The Swing Tool Set" article discloses a
> means for using JInternal frames, wherein these components would be used to
> represent objects, such as windows in desktop environments (page 10, row 4), much
> like the desktop environments of Banthia. It would have been obvious for one skilled in
> the art, at the time of the invention to learn from the article to implement the window
> representation of the applets through a JInternal frame component. JInternal frame
> components are obviously used to represent objects within a desktop environment,
> much like the ones used in Banthia. Hence, it would have been obvious for one skilled
> in the art, at the time of the invention to learn from the article to implement the applets
> such as they are represented through JInternal frame windows.

From the tenor of the grounds of rejection quoted above, it would appear that, even though no

particularly relevant reference has been found, the claimed invention is too simple to be

deserving of a patent. As a result, the formulated grounds of rejection, at first blush, appear to be

based on actual prior art disclosure, but instead are based on a hindsight rationale that anyone

aware of JInternal frame component, in theory, could have implemented them to generate

separate windows for the applets.

That is, the STS only discloses "JInternalFrame implements a frame object that can be placed inside a JDesktopPane object to emulate a native frame window." That is, as in conventional techniques, the STS discloses using JInternalFrame for holding a document. However, JInternalFrame are <u>not intended for applet visibility</u>. JInternalFrame lacks operations for holding an applet (*see e.g.*, page 9 of the specification). In other words, there is no suggestion in the STS to implement the JInternalFrame for the applets. Furthermore, the Examiner has not set forth ***any*** motivation or reason why one of ordinary skill in the art would use JInternalFrame to display applets as opposed to an IFRAME or an HTML frame (*see e.g.*, pages 2-4 of the specification).

Accordingly, there are several reasons why, on the present record, the USPTO can, and indeed must, grant such a patent. First, as noted in MPEP § 2141, "Office policy has consistently been to follow <u>Graham v. John Deere Co.</u> in the consideration and determination of obviousness under 35 U.S.C. § 103." Grounds of rejection based on a rationale such as the one just described distort each of the Graham factual inquiries, and produce a distorted determination as a result. Since the rationale is not rooted in actual prior art, productive discussion regarding the true scope and content of the prior art is no longer feasible. This, in turn, renders it impossible to clearly ascertain the actual differences between the prior art and the claims at issue. Also, since the rationale is a purely hypothetical construct, it is by its very nature a creature of hindsight, which makes any advance over the art appear trivial.

Second, it is immaterial whether or not the invention is simple. "Simplicity is not inimical to patentability." <u>In re Oetiker</u> 24 USPQ2d 1443, 1446 (Fed. Cir. 1992)(citations

omitted). Simplicity alone is an improper standard under which to assess obviousness and, in

turn, patentability. The Graham factual inquiries alone are used for assessing patentability.

In other words, Appellant respectfully submits that the Examiner did not provide *any*

motivation or reason for combining the STS with Banthia. Furthermore, it is respectfully

submitted that one of ordinary skill in the art would not have been motivated (would not have

any reason) to combine Banthia with STS without exercising impermissible hindsight.

For at least these additional exemplary reasons, claims 13, 27, and 41 are patentable over

Banthia in view of STS.

VIII. CONCLUSION

Unless payment is submitted herewith for the fee required under 37 C.F.R. §41.37(a) and

1.17(c), please charge said fee to Deposit Account No. 19-4880.

The USPTO is directed and authorized to charge all required fees, except for the Issue

Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any

overpayments to said Deposit Account.

Respectfully submitted,

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46159
CUSTOMER NUMBER

Date: August 9, 2007

CLAIMS APPENDIX

CLAIMS 1-42, 46-48, 51-52 and 54-60 ON APPEAL:

1.   A method of executing applets, comprising:

receiving a user selection of a plurality of applets;

generating separate windows within a main applet for each selected applet;

displaying the main applet; and

the main applet executing each selected applet in a separate window,

wherein each selected applet is displayed in the separate window inside the displayed

main applet.

2.   The method of claim 1, wherein one applet may be selected multiple times.

3.   The method of claim 1, further comprising enabling each window to be resized.

4.   The method of claim 1, further comprising enabling each window to be

repositioned.

5.   The method of claim 1, further comprising enabling each window to be

minimized.

6.   The method of claim 1, further comprising enabling each window to be maximized.

7.   The method of claim 1, further comprising enabling each window to overlap one or more other windows.

8.   The method of claim 1, further comprising enabling the windows to cascade.

9.   The method of claim 1, further comprising enabling the windows to be tiled.

10.   The method of claim 1, further comprising loading the main applet into a browser window.

11.   The method of claim 1, further comprising loading the main applet into a Java application, wherein the main applet is a webtop applet.

12.   The method of claim 1, further comprising executing the main applet to display within the displayed main applet a list of available applets from which users can select applets.

13.   The method of claim 1, further comprising generating a JInternal frame window for each selected applet.

14. The method of claim 1, wherein separate windows are generated for applets selected from a toolbar.

15. An apparatus for executing applets, comprising:

a client computer having a data store coupled thereto, wherein the data store stores data;

a server computer having the data store coupled thereto, and is connected to the client computer via a network; and

one or more computer programs, performed by the computers, for receiving user selection of a plurality of applets; generating separate windows within a main applet for each selected applet; displaying the main applet; and the main applet executing each selected applet in a separate window, wherein each selected applet is displayed in the separate window inside the displayed main applet.

16. The apparatus of claim 15, wherein one applet may be selected multiple times.

17. The apparatus of claim 15, further comprising enabling each window to be resized.

18. The apparatus of claim 15, further comprising enabling each window to be repositioned.

19. The apparatus of claim 15, further comprising enabling each window to be minimized.

20. The apparatus of claim 15, further comprising enabling each window to be maximized.

21. The apparatus of claim 15, further comprising enabling each window to overlap one or more other windows.

22. The apparatus of claim 15, further comprising enabling the windows to cascade.

23. The apparatus of claim 15, further comprising enabling the windows to be tiled.

24. The apparatus of claim 15, further comprising loading the main applet into a browser window.

25. The apparatus of claim 15, further comprising loading the main applet into a Java application, wherein the main applet is a webtop applet.

26.   The apparatus of claim 15, further comprising executing the main applet to display a list of available applets from which users can select.

27.   The apparatus of claim 15, further comprising generating a JInternal frame for each selected applet.

28.   The apparatus of claim 15, wherein separate windows are generated for applets selected from a toolbar.

29.   An article of manufacture comprising a program storage medium readable by a computer and embodying one or more instructions executable by the computer for executing applets, comprising:

receiving user selection of a plurality of applets;

generating separate windows within a main applet for each selected applet;

displaying the main applet; and

the main applet executing each selected applet in a separate window,

wherein each selected applet is displayed in the separate window inside the displayed main applet.

30.   The article of manufacture of claim 29, wherein one applet may be selected multiple times.

31.   The article of manufacture of claim 29, further comprising enabling each window to be resized.

32.   The article of manufacture of claim 29, further comprising enabling each window to be repositioned.

33.   The article of manufacture of claim 29, further comprising enabling each window to be minimized.

34.   The article of manufacture of claim 29, further comprising enabling each window to be maximized.

35.   The article of manufacture of claim 29, further comprising enabling each window to overlap one or more other windows.

36.   The article of manufacture of claim 29, further comprising enabling the windows to cascade.

37.   The article of manufacture of claim 29, further comprising enabling the windows to be tiled.

38.   The article of manufacture of claim 29, further comprising loading the main applet into a browser window.

39.   The article of manufacture of claim 29, further comprising loading the main applet into a Java application, wherein the main applet is a webtop applet.

40.   The article of manufacture of claim 29, further comprising executing the main applet to display a list of available applets from which users can select.

41.   The article of manufacture of claim 29, further comprising generating a JInternal frame for each selected applet.

42.   The article of manufacture of claim 29, wherein separate windows are generated for applets selected from a toolbar.

46.   A method of executing applets, comprising:

executing a main applet in which a list of applets is displayed;

selecting from the list displayed in the main applet at least two applets;

generating a separate window within the displayed main applet for each selected applet; and

the main applet executing and displaying each of the selected applets in the separate window inside the displayed main applet.

47.   The method according to claim 46, wherein said main applet is an applet web top viewer.

48.   The method according to claim 47, wherein said plurality of applets are positioned within a single page of the web top viewer.

51.   The method according to claim 46, wherein said plurality of applets are positioned within a single fixed space window.

52.   The method according to claim 46, wherein said plurality of applets are independent of each other and at least two of said plurality of applets do not inherit functions from same base class.

54.   The method according to claim 1, wherein the receiving comprises receiving at substantially the same time the user selection of the plurality of applets.

55.   The method according to claim 1, wherein said main applet generates separate windows for the selected applets and wherein the separate windows for the selected applets are displayed within a displayed window of the main applet.

56.   The method according to claim 1, wherein all of said windows for said selected applets are generated within display space in which the main applet is displayed.

57.   A method of executing applets, comprising:

loading and displaying a main applet;

dynamically selecting a plurality of applets from a displayed list of the plurality of available applets that are displayed in the displayed main applet, where the plurality of applets displayed in the list are not yet loaded for execution;

sending to a server at substantially same time, the selection comprising the plurality of applets;

loading the dynamically selected plurality of applets into the displayed main applet;

generating separate windows for each loaded applet; and

displaying and executing each loaded applet in a separate window within the displayed main applet.

58.   The method according to claim 57, wherein the main applet is a platform for running any applet.

59.   The method according to claim 57, wherein the main applet is a platform for dynamically running independent applets, and wherein each of said windows for the independent applets are resizable.

60.   The method according to claim 57, further comprising dynamically loading and removing applets from the main applet, wherein at least two applets of said applets are obtained from different computers and are displayed in a respective window inside the displayed main applet at same time.

EVIDENCE APPENDIX:

NONE.

RELATED PROCEEDINGS APPENDIX

NONE.